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8 Attorney for Defendant
9 OSCAR MADRIGAL JR.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 OSCAR MADRIGAL JR.,

17 Defendant.

Case No. 18-CR-00356-003-EJD

**DECLARATION OF COUNSEL IN SUPPORT
OF DEFENDANT OSCAR MADRIGAL JR.'S
MOTION FOR COMPASSIONATE RELEASE**

Court: Hon. Edward J. Davila

Hearing Date: To be set

Hearing Time: To be set

19 I, Naomi Chung, hereby declare, under penalty of perjury:

20 1. I am an attorney admitted to practice in the State of California and before the federal
21 district court for the Northern District of California. I am attorney of record for defendant Oscar
22 Madrigal Jr. in the above-referenced case. I have reviewed the attached Motion, and I believe the
23 factual statements made therein are true and correct to the best of my information and belief.

24 2. On April 30, 2020, I submitted a request for compassionate release to the Federal Bureau
25 of Prisons (BOP). Then, on May 5, 2020, I emailed another compassionate release request to the
26 Dominic Ayotte, the Western Regional Counsel's office of the BOP. The next day I received an
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1 email from Mr. Ayotte with a letter from the BOP denying Mr. Madrigal's request for
2 compassionate release because he "is not in BOP custody, BOP cannot evaluate him for
3 compassionate release and will not be seeking a motion for compassionate release on his behalf at
4 this time." This denial letter is attached as Exhibit 1.

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6 3. On May 26, 2020, Mr. Madrigal informed me that he has no history of disciplinary issues
7 while in custody at Santa Rita Jail, and that if released he would be able to serve home detention
8 at the residence of his friend Ramon Garcia. Mr. Madrigal also informed me that a nurse at
9 Santa Rita Jail measured his Body Mass Index (BMI) and blood pressure on May 25, 2020 and
10 found that he was 6 feet tall, weighed 292 pounds with a BMI of 39.6 and a blood pressure of
11 130/80 mm Hg. Apparently, the nurse refused to include these measurements in Mr. Madrigal's
12 medical records and explained "we just don't do that".

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14 4. On May 29, 2020, I called Ramon Garcia and confirmed that Mr. Madrigal could serve
15 any home confinement sentence at Mr. Garcia's home in San Jose. Mr. Garcia also confirmed
16 that there is a spare bedroom that Mr. Madrigal would be able to use by himself. I provided this
17 information to U.S. Probation on June 1, 2020.

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19 5. I obtained Mr. Madrigal's medical records from Santa Rita Jail which are attached as
20 Exhibit 5. Because these records contain both personal identifying information and information
21 that may be within the scope of confidentiality protections afforded by the Health Insurance
22 Portability and Accountability Act ("HIPAA"), I request that Exhibit 5 be filed under seal. A
23 separate application and proposed sealing order are being filed with this declaration.

24 I declare under the penalty of perjury that the foregoing is true and correct. Executed on
25 June 1, 2020, in San Francisco, California.

26 /s/ Naomi Chung

27 NAOMI CHUNG

28 Declarant